

REMARKS**Summary of the Office Action**

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Japanese Patent No. 3-113725 to Hishi ("Hishi").

Summary of the Response to the Office Action

Claims 1-5 are pending for consideration.

Rejection Under 35 U.S.C. § 102(b)

Claims 1-5 were rejected under 35 U.S.C. § 102(b) as being anticipated by Hishi.

Applicant respectfully traverses the rejection.

Both claims 1 and 2 recite "adhesive agent layers provided between each of the through holes and a surface of the optical bench that opposes the through holes, and supports the plate from the optical bench with a minute gap" Contrary to this limitation, Hishi discloses that "the adhesive is packed in the gap between the protruding parts 15a, 15b and the through holes 13a, 13b" In Hishi, the adhesive does not "support the plate from the optical bench with a minute gap" as recited in claims 1 and 2. (See English language abstract.) Instead, the adhesive supports the plate 13 of Hishi from the protruding parts 15a, 15b. As shown in Fig. 5 of Hishi, the adhesive does not even clearly reach the "surface of the optical bench that opposes the through holes" to support the plate 13. Instead, Fig. 5 of Hishi shows a conical portion of the adhesive that has oozed out from the gap between the protruding parts 15a, 15b and the through holes 13a, 13b. Even if a portion of this adhesive did reach the upper surface of optical unit 15 of Hishi, it is clear from Fig. 5 and the English language abstract that the adhesive does not

support the plate 13 from that surface as recited in claims 1 and 2, but rather supports the plate 13 from the protruding parts 15a, 15b.

For at least this reason, Hishi does not anticipate claims 1 or 2, or claim 2's dependent claims 3-5 under 35 U.S.C. § 102(b).

Claim 1 additionally recites that "the adhesive agent layer ... is cured in a state being reached an upper surface of the optical bench" As explained above, Fig. 5 of Hishi does not disclose the adhesive reaching the upper surface of the optical bench, as recited in claim 1. For at least this additional reason, Hishi does not anticipate claim 1 under 35 U.S.C. § 102(b).

For at least the above reasons, Applicant submits that independent claim 1, independent claim 2 and its dependent claims 3-5 are in condition for allowance. Allowance of claims 1-5 is earnestly solicited.

CONCLUSION

In view of the foregoing, Applicant respectfully requests reconsideration and the timely allowance of the pending claims. Should the Examiner feel that there are any issues outstanding after consideration of this response, the Examiner is invited to contact Applicant's undersigned representative to expedite prosecution.

If there are any other fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0310. If a fee is required for an extension of time under 37 C.F.R. § 1.136 not accounted for above, such an extension is requested and the fee should also be charged to our Deposit Account.

Respectfully submitted,

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